# BEFORE THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation against:

Case No. OT2008-129

Shawna M. Kemp

OAH No.: 2010080880

Occupational Therapist OT 2364

ORDER DENYING RECONSIDERATION

Respondent.

# ORDER DENYING RECONSIDERATION

The California Board of Occupational Therapy hereby denies Respondent's Petition for Reconsideration. The Decision placing Respondent's license on probation with terms and conditions for eighteen (18) months shall become effective on July 26, 2011.

IT IS SO ORDERED: July 22, 2011

California Board of Occupational Therapy

President

# BEFORE THE CALIFORNIA ROARD OF OCCUPATIONAL THERAPY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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In the Matter of the Accusation Against:

Case No. OT2008-129

SHAWNA M. KEMP also known 28 Shawna Michelle Kemp; Shawna M. Safadi; Shawna Michelle Safadi: Shawna Kemp.

OAH No.: 2010080880

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Respondent

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# DECISION AND ORDER REDUCING PENALTY and MAKING TECHNICAL

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The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the California Board of Occupational Therapy as the Decision in the above-entitled matter, except that, pursuant to provisions of the Government Code sections 11517(c)(2)(B). and 11517(c)(2)(C), the ORDER is hereby modified to reduce the ponalty and for technical reasons as follows:

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1. Prefatory Paragraph of the ORDER appearing on page 9 of the Proposed Decision shall read as follows:

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The occupational therapy license issued to Respondent Shawa Kemp is herebyrevoked, but that the revocation order is stayed, and the license placed on probation for a period of eighteep (18) months, and her license is placed on probation, on the following terms and conditions:

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> 2. Consistent with Paragraph 15 of the FACTUAL FINDINGS on page 4 of the Proposed Decision and Paragraph 5 of the LBGAL CONCLUSIONS on page 8 of the Proposed Decision, Paragraph 11 appearing on page 11 of the Proposed Decision shall read as follows:

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11. Cost Recovery Requirements Respondent shall reimburse the Board for its cost in the investigation and prosecution

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of this matter pursuant to Business and Professions Code section 125.3 in the amount of five thousand four hundred eighteen dollars and fifty cents (\$5,418.50). Respondent shall make timely payment as directed by the Board's designee. Failure

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to make payments in accordance with any formal agreement entered into with the Board or pursuant to any Decision by the Board shall be considered a violation of probation.

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The Board may conditionally renew or reinstate, for a maximum of one (1) year, the license of respondent if she demonstrates financial hardship. Respondent shall enter into a formal agreement with the Board to reimburse the unpaid costs within that one (1) year period. Except as provided above, the Board shall not renew or reinstate the license of any respondent who has failed to pay all the costs as directed in this Decision.

This Decision shall become effective July 26, 2011

IT IS SO ORDERED June 27, 2011

California Board of Occupational Therapy

MARY EVERT, OTR/L

Board President

# BEFORE THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. OT2008-129

SHAWNA M. KEMP, also known as Shawna Michelle Kemp; Shawna M. Safadi; Shawna Michelle Safadi; Shawna Kemp, OAH No. 2010080880

Respondent.

#### PROPOSED DECISION

The hearing in the above-captioned matter was held on January 18, 2011, at Los Angeles, California. Joseph D. Montoya, Administrative Law Judge (ALJ), Office of Administrative Hearings, presided. Complainant was represented by Christina M. Thomas, Deputy Attorney General. Respondent appeared and represented herself.

Evidence was received, the matter argued, and the case was submitted for decision on the hearing date.

The Administrative Law Judge hereby makes his factual findings, legal conclusions, and orders, as follows:

#### FACTUAL FINDINGS

- 1. Complainant Heather Martin filed the Accusation in the above-captioned matter while acting in her official capacity as Executive Officer of the California Board of Occupational Therapy (Board), State of California.
- 2. Respondent Shawna M. Kemp is licensed by the Board to act as an occupational therapist. She has been so licensed since September 2002, and she holds license number OT 2364. Respondent's license was due to expire in May 2010, but there is no evidence that it has not been renewed.
- 3. (A) On November 18, 2008, Respondent was convicted of violating Penal Code section 415, subdivision (1), disturbing the peace by fighting in public or challenging someone to fight. The conviction was entered against her in the Superior Court of California, County of San Bernardino, in case number MSB 805034, based on her plea of guilty, made pursuant to a plea bargain. By that plea, she was convicted of a misdemeanor.

- (B) The court suspended the imposition of sentence, and placed Respondent on two years summary probation, on the condition that she pay fines, fees, and assessments totaling \$525, attend a 26-week anger management course, and attend three Narcotics Anonymous meetings per week for a period of 16 weeks. The court allowed Respondent to take her anger management classes in Texas.
- (C) The facts and circumstances of Respondent's conviction are that on the morning of July 13, 2008, Respondent struck her then-boyfriend, Terrance Weaver, during an argument the two were having as he drove her home from the local jail. Respondent had been arrested the day before this incident, in part because of allegations her former boyfriend made against her. Although Mr. Weaver claimed that Respondent had struck him with an open hand, when he was examined by police shortly after the event, there were no discernable signs of injury.
- 4. The plea bargain referenced in Factual Finding 3(A) disposed of two cases, the aforementioned case pertaining to the altercation between Respondent and her boyfriend, and a prosecution for violating section 11550, subdivision (a), of the Health and Safety Code; the latter matter was dismissed. That prosecution for violating section 11550 arose out of events that occurred on July 12, 2008; it was those events, described further below, that led to Respondent being jailed, and therefore needing a ride away from jail on July 13, 2008, as referenced in Factual Finding 3(C).
- 5. On July 12, 2008, Respondent's former boyfriend, Mr. Weaver, who is the father of Respondent's child, called San Bernardino authorities and claimed that Respondent was driving their then nine-month-old child in her car while she was under the influence of either methamphetamine or cocaine. Police officers came to Mr. Weaver's house, and there spoke to Respondent, who had brought her child to Weaver's house so that he could have visitation with the child.
- 6. When the police interviewed Respondent, she admitted that she had, at some time prior to that date, used methamphetamine; it was implied that it had been some time since she had done so. According to the police report, when asked when she had last used methamphetamine, she said "yesterday," i.e., July 11, 2008. The police officer noted that Respondent was exhibiting symptoms of being under the influence of a controlled substance. According to the police officer, Respondent kept moving around while he spoke to her; she continued talking when he did not have a question for her; and, she was swinging her hands around while speaking. Furthermore, the police officer reported that Respondent had trouble properly completing some field sobriety tests.

<sup>&</sup>lt;sup>1</sup> Mr. Weaver appeared to make two different claims against Respondent to the police. In an arrest report a deputy described the dispatch call as a report that Respondent was driving with the child while she was on cocaine. However, when the deputy interviewed Mr. Weaver, he claimed Respondent was driving with the child while she was under the influence of methamphetamine. (Ex. 4, attachment 4 thereto, third page.)

- 7. (A) Respondent was arrested on suspicion of violating Health and Safety Code section 11550, being under the influence of a controlled substance. When taken to the police station, a blood sample was taken from her for testing. Subsequent test results tend to indicate that cocaine or cocaine metabolites were detected. The written test results state that for "cocaine, LC/MS/MS" the level was 184 ng/mL and for "benzoylecgonine LC/MS/MS" the level was 3,630 ng/mL. (Ex. 4.)
- (B) No expert testimony was offered that would establish the significance of the test results.
- 8. As noted above, the charge of violating Health and Safety Code section 11550 was dismissed as part of a plea bargain. To make the context clear, in mid-July 2008, Respondent was charged with misdemeanor spousal or cohabitant battery in violation of Penal Code section 243, subdivision (e)(1), in one case, and she was charged with being under the influence of a controlled substance in violation of section 11550, subdivision (a), in a second case. Both charges flowed from the two separate but related incidents described above. However, four months later, the court allowed Respondent to enter a plea to a misdemeanor charge of disturbing the peace by fighting, with the People dropping all other charges. It is fairly and reasonably inferred that there were serious weaknesses in the People's cases, or the matter would not have been disposed of on such lenient and favorable (for Respondent) terms.<sup>2</sup>
- 9. Respondent reconciled with Mr. Weaver, and moved to Texas in approximately January 2009, where he had gone to reside in October 2008. However, some months later she severed her relationship with him. She continued to reside and work in Texas, but then moved back to California in August 2010.
- 10. Respondent completed all the terms and conditions of her probation without incident.
- 11. (A) Since returning to California, Respondent has worked at a school district as an occupational therapist in the special education setting.<sup>3</sup> A number of co-workers submitted letters on her behalf. The co-workers include her supervisor at Soliant Health; another Occupational Therapist, Diana Rash; a speech and language pathologist at the school district; an educational specialist; and various teachers. All describe Respondent in terms that can fairly be described as "glowing." They indicate that Respondent is a hard-working, committed, caring, and very competent occupational therapist. For example, her supervisor, Ms. Wright, stated that "in my years at Soliant Health I have never worked with a therapist

<sup>&</sup>lt;sup>2</sup> Further supporting the inference is the probation term of two years. In the vast majority of cases heard by the ALJ, where there is at least one criminal conviction, the standard probation term is three years.

<sup>&</sup>lt;sup>3</sup> According to one of her reference letters, she is employed by Soliant Health, which contracts with the school district. (Ex. C, p. 1.)

who was able to efficiently manage a caseload that size while remaining organized." (Ex. C, p. 1.) The speech and language pathologist, Ms. Ingram-Dupart, stated that Respondent "is one of the best educational occupational therapists I have met in the 13 years I have worked as an SLP." (Ex. C, p. 2.) One of the teachers also referred to Respondent's sound handling of a heavy case load. (Ex. C, p. 8.)

- (B) Ms. Diana S. Rash, OTR/L, CA OT 913, stated that she has been an occupational therapist for 37 years. After describing Respondent's many positive attributes, such as "the ability to perform her duties under pressure in a department with turnover and understaffing with a commendable acceptance of responsibility," Ms. Rash stated that Respondent is an "asset to the field of occupational therapy," and supported continued licensure of Respondent. (Ex. C, p. 4.)
- 12. During this proceeding, Respondent denied using drugs at the time of her arrest. She asserted that her ex-boyfriend must have spiked some food or drink that he provided her when she arrived at his place, so that she would show positive on a test. She contended that her statements to the police were misconstrued; she testified that she was trying to say that she had experimented with drugs in her youth, but, at the time of the incident, being 34 years old, such days were behind her.
- 13. Respondent has been administered drug tests on five occasions between January 2009 and November 2010, by five different potential employers, and has passed all the tests.
- 14. (A) Complainant has asserted, as a fact to consider in determining what level of discipline to impose if cause is established, that Respondent suffered two misdemeanor convictions in 1993 and 1994, when she was 19 years old.
- (B) Available records indicate that Respondent was convicted of misdemeanor petty theft—shoplifting—in violation of Penal Code section 490.5, subdivision (a), on December 20, 1993, in the Municipal Court for Santa Clara County Judicial District.
- (C) The other conviction was entered against Respondent on January 7, 1994, for violation of Vehicle Code section 14601.1, subdivision (a), driving with a suspended license, a misdemeanor.
- (D) Both convictions were "expunged" pursuant to Penal Code section 1203.4, subdivision (a), on November 19, 1999. It is inferred from the expungement orders that Respondent completed all probation terms, and complied with any applicable orders prior to the date of those expungement orders.
- 15. The Board has incurred costs in the investigation and prosecution of this matter, in the amount of \$5,418.50. Those costs are, in all the circumstances, reasonable.
  - 16. All other allegations were unproven or are deemed surplusage.

#### LEGAL CONCLUSIONS

- 1. (A) In one of the alleged causes for discipline, Complaint seeks a disciplinary order against Respondent pursuant to Business and Professions Code section 2570.28, subdivision (c), on the grounds that she had been convicted of a crime that is substantially related to the duties, qualifications, and functions of an occupational therapist.<sup>4</sup>
- (B) Respondent was convicted of one count of disturbing the peace by fighting in violation of Penal Code section 415, subdivision (1). Thus, the question arises as to whether this misdemeanor is substantially related to the duties, qualifications, and functions of an occupational therapist.<sup>5</sup>
- (C) Taking the facts in a light most favorable to Complainant, Respondent slapped her ex-boyfriend, but did not use enough force to leave a mark that could be discerned by investigating police shortly after the event in question. This does not appear to have been a blow designed to cause great bodily harm.
- (D) The Board, in compliance with statutory mandate,<sup>6</sup> has promulgated regulations to assist in determining if a crime is "substantially related." The Board's criteria are found in California Code of Regulations (CCR), title 16, section 4400, subdivision (i).<sup>7</sup> The pertinent provision states as follows:
  - (i) For the purposes of denial, suspension, or revocation of a license, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of an occupational therapy practitioner, if it evidences present or potential unfitness of a licensee to perform the functions authorized by his or her license or in a manner inconsistent with the public health, safety, or welfare. Such crimes or acts include but are not limited to those involving the following:

<sup>&</sup>lt;sup>4</sup> All further statutory references are to the Business and Professions Code unless otherwise noted.

<sup>&</sup>lt;sup>5</sup> This statutory term is constitutionally mandated; there must be some nexus between the wrongful or illegal conduct and the licensee's fitness or competence to practice his or her profession. (*Newland v. Board of Governors* (1977) 19 Cal.3d 705, 711.)

<sup>&</sup>lt;sup>6</sup> Under section 481, all boards governed by the Business and Professions Code must develop criteria to aid in determining if a crime is substantially related to licensure.

<sup>&</sup>lt;sup>7</sup> Further references to the CCR are to title 16 thereof.

- (1) Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate any provision or term of the Occupational Therapy Practice Act.
- (2) Fiscal dishonesty, theft or larceny.
- (3) An incident involving controlled substances to the extent that practice is impaired or a threat to the health or safety of themselves or others.
- (4) Conviction of a crime involving harassment or stalking (as defined by the Penal Code).
- (5) Conviction of a crime involving lewd conduct, prostitution or solicitation thereof, or pandering or indecent exposure (as defined by the Penal Code).
- (6) Assaultive or abusive conduct including, bit not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
- (7) Failure to comply with any mandatory reporting requirements.
- (8) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.
- (E) The only part of CCR section 4400, subdivision (i), that is applicable to this case is subdivision (i)(6), referencing assaultive or abusive conduct. Reference to Penal Code section 11160, subdivision (d), reveals that fighting in violation of Penal Code section 415, subdivision (1), is not included among the crimes that tend to define "assaultive and abusive conduct." Instead, that statute provides as follows:
  - (d) For the purposes of this section, "assaultive or abusive conduct" shall include any of the following offenses:
  - (1) Murder, in violation of Section 187.
  - (2) Manslaughter, in violation of Section 192 or 192.5.
  - (3) Mayhem, in violation of Section 203.
  - (4) Aggravated mayhem, in violation of Section 205.
  - (5) Torture, in violation of Section 206.

- (6) Assault with intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.
- (7) Administering controlled substances or anesthetic to aid in commission of a felony, in violation of Section 222.
- (8) Battery, in violation of Section 242.
- (9) Sexual battery, in violation of Section 243.4.
- (10) Incest, in violation of Section 285.
- (11) Throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure, in violation of Section 244.
- (12) Assault with a stun gun or taser, in violation of Section 244.5.
- (13) Assault with a deadly weapon, firearm, assault weapon, or machinegun, or by means likely to produce great bodily injury, in violation of Section 245.
- (14) Rape, in violation of Section 261.
- (15) Spousal rape, in violation of Section 262.
- (16) Procuring any female to have sex with another man, in violation of Section 266, 266a, 266b, or 266c.
- (17) Child abuse or endangerment, in violation of Section 273a or 273d.
- (18) Abuse of spouse or cohabitant, in violation of Section 273.5.
- (19) Sodomy, in violation of Section 286.
- (20) Lewd and lascivious acts with a child, in violation of Section 288.
- (21) Oral copulation, in violation of Section 288a.
- (22) Sexual penetration, in violation of Section 289.
- (23) Elder abuse, in violation of Section 368.

- (24) An attempt to commit any crime specified in paragraphs (1) to (23), inclusive.
- (F) Respondent's crime had aspects of battery and abuse of a cohabitant (Factual Findings 3(C) and 5), both of which are listed above. It must be concluded that Respondent's fight with her boyfriend constituted assaultive conduct, within the meaning of CCR section 4400, subdivision (i)(6), and is therefore substantially related to the duties, qualifications, and functions of an occupational therapist.
- 2. Based on the foregoing Legal Conclusion, and Factual Findings 2 and 3, it is concluded that cause was established to discipline Respondent's license pursuant to section 2570.28, subdivision (e), for conviction of a crime substantially related to the duties, qualifications, and functions of an occupational therapist.
- 3. Cause was established to discipline Respondent's license pursuant to section 2570.29, subdivision (a), in that she was under the influence of a controlled substance on July 12, 2008, based on Factual Findings 6 and 7(A).
- 4. Cause was not established to discipline Respondent's license pursuant to section 2570.29, subdivision (b)(1) and (b)(2), in that it was not established that Respondent had used a controlled substance to the extent that she would be a danger to herself or others. This Conclusion is based on Factual Findings 6 and 7(B). It should be noted that while there is sufficient evidence to find that she was under the influence, there is simply not enough evidence to show that she presented a danger to herself or others. 8
- 5. The Board is entitled to recover its costs of investigation and prosecution of this matter, pursuant to section 125.3, based on Legal Conclusions 2 and 3. The reasonable amount of those costs is \$5,418.50, based on Factual Finding 15. However, Respondent should be allowed to pay such costs over time.
- 6. (A) The Board has developed criteria to use in assessing a licensee's rehabilitation. That criteria, found in the Board's Disciplinary Guidelines, incorporated by reference into CCR section 4144, are as follows:
  - (1) The nature and severity of the act(s) or offense(s).
  - (2) Total criminal record.
  - (3) The time that has elapsed since commission of the act(s) or offense(s).
  - (4) The extent to which the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

The evidence against her amounted to the report of the police officer, and the blood test results, which are less than illuminating. The claims that she was driving her child, being based on double-hearsay spoken by her estranged boyfriend, were not credited.

- (5) If applicable, evidence of expungement proceedings pursuant to section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (B) Applying the criteria to the facts of this case operates in Respondent's favor. The crime for which she was convicted is of moderate severity, and it should be noted that it arose in the volatile context of a domestic dispute. As to the matter of the use of a controlled substance, that is a serious matter for any health professional, but the record does not support a finding that she had used anything to the extent that it was a danger to herself or others. Looking to Respondent's total criminal record, her convictions from the early 1990's occurred some 18 years ago, and are attenuated by time and circumstance. It has been nearly three years since the recent misdemeanor conviction, and Respondent completed her probation without incident. Importantly, she is working in a very professional capacity, and appears to have her life on track, having ended her relationship with the man in question. It is reasonably inferred that if Respondent had a drug problem, she could not work in a capacity that would draw the sort of praise offered by her co-workers at the school district. Under all of the circumstances Respondent has shown rehabilitation sufficient to justify a probationary license.

# ORDER

The occupational therapist's license issued to Respondent Shawna Kemp is hereby revoked, but that revocation order is stayed for a period of three years, and her license is placed on probation, on the following terms and conditions:

#### 1. Obey All Laws

Respondent shall obey all federal, state and local laws and regulations governing the practice of occupational therapy in California. Respondent shall submit, in writing, a full detailed account of any and all violations of the law to the Board within five (5) days of occurrence.

# 2. Compliance with Probation and Quarterly Reporting

Respondent shall fully comply with the terms and conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from the Board.

#### 3. Personal Appearances

Upon reasonable notice by the Board, Respondent shall report to and make personal appearances at times and locations as the Board may direct.

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4. Notification of Address and Telephone Number Change(s)

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of her new address and any change in work and/or home telephone numbers.

5. Tolling for Out-of-State Practice, Residence or In-State Non-Practice
In the event Respondent should leave California to reside or to practice outside the State for more than thirty (30) days, Respondent shall notify the Board or its designee in writing within ten (10) days of the dates of departure and return. All provisions of probation other than the quarterly report requirements, examination requirements, and education requirements, shall be held in abeyance until Respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California.

6. Notification to Employer(s)

When currently employed or applying for employment in any capacity in any health care profession Respondent shall notify her employer of the probationary status of Respondent's license. This notification to the current employer shall occur no later than the effective date of the Decision. Respondent shall notify any prospective health care employer of her probationary status with the Board prior to accepting such employment. This notification shall be made by providing the employer or prospective employer with a copy of the Board's Accusation. Respondent shall cause each health care employer to submit quarterly reports to the Board. The report shall be on a form provided by the Board, and shall include a performance evaluation and such other information as may be required by the Board. Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, within five (5) days if she is terminated from any occupational therapy or health care related employment with a full explanation of the circumstances surrounding the termination.

7. Employment Requirements and Limitations

During probation, Respondent shall work in her licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week. While on probation, Respondent shall not work for a registry or in any private duty position, except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified, and pre-determined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board. However, this provision shall not bar Respondent from her current position.

8. Supervision Requirements

Respondent shall obtain prior approval from the Board, before commencing any employment, regarding the level of supervision provided to Respondent while employed as an occupational therapist. Respondent shall not function as a supervisor during the period of probation except as approved, in writing, by the Board. However, this provision shall not apply to her current position, to the extent that she supervises others in the school district where she is currently employed.

#### 9. Continuing Education Requirements

Respondent shall complete continuing education directly relevant to the violation as specified by the Board. Continuing education shall be completed within a period of time designated by the Board, which timeframe shall be incorporated as a condition of this probation. Continuing education shall be in addition to the professional development activities required for license renewal. The Board shall notify Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of the assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study. Failure to satisfactorily complete the required continuing education as scheduled or failure to complete same no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for all costs of such continuing education. Upon successful completion of the course(s), Respondent shall cause the instructor to furnish proof to the Board within thirty (30) days of course completion.

#### 10. Maintenance of Valid License

Respondent shall, at all times while on probation, maintain an active current license with the Board including any period during which license is suspended or probation is tolled.

# 11. Cost Recovery Requirements

Where an order for recovery of costs is made, Respondent shall make timely payment as directed in the Board's Decision pursuant to Business and Professions Code section 125.3. Failure to make payments in accordance with any formal agreement entered into with the Board or pursuant to any Decision by the Board shall be considered a violation of probation. The Board may conditionally renew or reinstate, for a maximum of one (1) year, the license of any Respondent who demonstrates financial hardship. Respondent shall enter into a formal agreement with the Board to reimburse the unpaid costs within that one (1) year period. Except as provided above, the Board shall not renew or reinstate the license of any respondent who has failed to pay all the costs as directed in a Decision.

#### 12. Violation of Probation

If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an accusation or a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

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13. Completion of Probation
Upon successful completion of probation, respondent's license will be fully restored.

Dated: April 4, 2011

Joseph D. Montoya
Administrative Law Judge
Office of Administrative Hearings